

LEGISLATIVE TESTIMONY



COMMISSION ON HISPANIC AFFAIRS

Keep Our Roads Safe: Promote Access to Driver's Licenses

The scope of the bill

Washington State requires drivers to be licensed to make our roads and highways safe. A driver's license serves two purposes: to reliably identify the driver and to prove that the driver is qualified to safely drive in the state. Currently, a person without legal immigration status can be issued a driver's license if the person presents at least two forms of identification issued by the country of origin (a passport and a driver's license) as well as proof of residence in Washington. SB 5081 would restrict access to driver's licenses to only those persons in Washington legally present in the state. The Commission on Hispanic Affairs advises that such a legal presence requirement would subvert the overarching purpose of licensing drivers by making our roads less safe.

Who will be affected?

Tens of thousands of undocumented persons are currently eligible to drive in this state. Many of these persons are of Hispanic origin. They drive to work in the fields, at construction sites, and throughout our service industries. They drive to work to feed, clothe, and shelter their families. If passed, SB 5081 would make these persons ineligible for licenses. Their need to provide for their families, on the other hand, will continue, and they will continue to drive. They will drive uninsured, they may use aliases, they will probably not stay at accident sites out of fear of immigration consequences. They would be forced further underground by this measure; and, by forcing them to do so, we will be making our roads less safe.

Another group of Hispanics will also be detrimentally affected by this measure: those who are legally in the country. To implement SB 5081, the Department of Licensing will have to depend on findings by the INS regarding whether each applicant for a license is legally in the country. The INS verification system (called the Systematic Alien Verification System) has been criticized for not properly identifying immigration status. The Social Security Administration, which depends on the SAVE system, currently faces an 8% error rate in identifying legal immigrants (Congressional Response Report, SSA Office of the Inspector General, A-03-02-22078, June 2002). INS also faces a six-month backlog in processing applications. Finally, INS personnel in California have been solving the backlog by shredding over 90,000 immigration documents (New York Times, January 31, 2003). This evidence clearly shows that the identification process for legal presence is seriously flawed, resulting in the denial of driver's licenses for eligible Hispanics residents.

The terrorism problem

Advocates for requiring legal presence often refer to the fact that the September 11th terrorists used drivers' licenses to board the airplanes that were subsequently hijacked in the attacks. Unfortunately, a significant majority of these terrorists were in the United States legally under different forms of visas. They were "legally present," and would likely have still been eligible for a license even with this requirement. Additionally, airlines routinely recognize foreign-issued passports as valid identification – drivers' licenses are not required to board airplanes. And on a regrettable note (as exemplified by John Walker Lindh and the Lackawanna terrorist cell), many would-be terrorists are legal residents and citizens of this country. A legal presence requirement would have done nothing to prevent an act of terrorism perpetrated by this group.

Relevant Bill:
SB 5081

Primary Sponsor:
Sen. Stevens

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This is not a sound counter-terrorism measure.

The people of the State of Washington have tasked the Commission on Hispanic Affairs with advising the Governor, the Legislature, and state and local agencies on issues that affect the Latino community of the State. The Commission meets with members of the Latino community six times a year throughout the state to gather information as to their concerns.